



FedFacs

an environmental bulletin for federal facilities

VA's Self-Disclosure of UST Violations Results in Significant Waiver of Potential Penalties and an Innovative Settlement

The Department of Veterans Affairs (VA) and EPA have resolved multiple underground storage tank (UST) violations at more than a dozen VA facilities that VA had self-disclosed to EPA under the Agency's "Audit Policy" (see related article below). The vast majority of the UST violations qualified for complete penalty mitigation because VA's self-disclosure for these tanks satisfied the nine criteria of the Audit Policy. Twelve tanks could not meet the nine criteria and thus failed to qualify for such a waiver. Two other tanks met the criteria for penalty mitigation but EPA found that significant cost savings had accrued from the delayed compliance. VA has agreed to pay a penalty of \$17,578 for the 14 tanks. Had EPA inspected and discovered the violations at the nearly 50 UST systems that VA self-disclosed,

thereby eliminating the benefits of the Audit Policy, the maximum penalty that could have been assessed would have been dramatically higher.

At issue was VA's compliance with the December 1998 federal tank upgrade and closure requirements. By letter dated January 22, 1999, VA self-disclosed that approximately 50 tanks at its facilities located in nine different states had potentially violated these requirements. EPA's review of the self-disclosure, along with subsequent information VA supplied, demonstrated that VA had self-identified, disclosed, and corrected many of the compliance problems in a timely fashion. Accordingly, the vast majority of the tanks qualified for complete penalty mitigation under the Audit Policy. Only 14 tanks were assessed a penalty.

"VA self-disclosed these violations in a

manner which maximized the benefits of the Audit Policy. Further, VA's cooperation during our review of the information demonstrates how federal facilities and EPA can work together to achieve full compliance and increase protection for human health and the environment without costly and adversarial litigation," stated Craig Hooks, Director of EPA's Federal Facilities Enforcement Office.

Another innovative part of the settlement was EPA's use of a compliance agreement to simultaneously initiate and conclude the enforcement action. This approach eliminated the need for multiple successive administrative filings that significantly expedited the settlement, thereby keeping transaction costs to a minimum.

For more information, contact Dan Drazen at 202-564-2328.

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EPA's Efforts to Encourage Voluntary Self Disclosure and Compliance

Often when EPA investigates a violation, it discovers facility staff were aware of the problem – or should have been – and in some cases were in the process of developing an appropriate remedy when a regulator discovered it during an inspection. Discovery of serious violations during an inspection can mean substantial penalties and, in some cases, harm to careers. There is a better way. EPA has in place a program, utilized by few federal facilities, which can help. Effective facility audit systems are critical to maintaining compliance and allow for self disclosure of violations to take

advantage of EPA's Audit Policy. The prompt self-disclosure and correction of violations is in the interest of EPA, the regulated facility, and the environment.

On April 11, 2000, EPA's revised final policy on Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations (the Audit Policy) was published in the *Federal Register*. This final Audit Policy was developed with input from states, public interest groups, U.S. Department of Justice, and the regulated community. In drafting the revisions, the Agency benefitted from five

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Building Environmental Leadership in Region X

EPA Region X, Washington State Department of Ecology, and the Federal Network for Sustainability hosted a workshop entitled, "Federal Environmental Leadership: Environmental Management Systems" on August 23-24, 2001, in Seattle, Washington.

The workshop was attended by 92 federal, state, and local personnel interested in environmental management systems and environment leadership. Topics ranged from Sustainability to ISO 14001, and included cases studies from many of the federal agencies in Region X.

In addition, the "Greening the Government" Executive Orders were discussed, including: E.O. 13148: Leadership Through Environmental Management, E.O. 13101: Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition, E.O. 13123: Efficient Energy Management, E.O. 13149: Fleet Fuel, and E.O. 13150: Federal Workforce Transportation.

The keynote speaker was Admiral Bill Center (retired). Mr. Center gave a talk on "Building Environmental Leadership," including a top ten list on getting your boss to be an environmental leader, which was extremely well-received by participants. Region X again thanks Mr. Center for taking the time to participate and share his valuable knowledge and insight. It was one of the highlights of this two-day workshop.

Upcoming Events

December 11, 2001

Environmental Management for the 21st Century

Kansas City, KS

Contact: Diana Jackson, EPA, 913-551-7744

December 12, 2001

Military Environmental Working Group Meeting

Kansas City, KS

Contact: Steve Scanlon, Army Region VII REC, 816-983-3445

Building Environmental Leadership

By Bill Center

Why leaders, not managers?

Managers: Plan & budget, organize & staff, control & problem solve.

Managers produce predictability & order.

Leaders: Establish direction (vision), align people & communicate, motivate & inspire.

Leaders produce change. Clearly we need BOTH leaders and managers.

To effectively lead an organization through change you need:

1. To overcome inertia and complacency with sense of urgency.
2. A clear vision of where you're headed. No vision = no direction.
3. A guiding coalition of senior leaders. No stagnation at the top.
4. Collect some easy and early victories. Consolidate gains, evaluate, move forward.
5. Work to embed the change in your corporate culture.

How do we "embed change in the culture?"

By how these questions are answered:

Why do we...?

What do we reward?

What do we punish?

Who do we promote?

How do we handle bad news?

Reasons we fail at implementing change:

1. *No vision or sense of urgency.*

2. *Senior leaders don't buy in.*

3. *Under-communicating.*

We under-communicate by a factor of 10... or even 100.

Figure out how to get the message from top to bottom in the organization.

Remember: "Perception IS reality."

4. *Allowing obstacles to block progress. You anticipated obstacles at the outset... when you bump into one, remember, you knew it was coming... don't allow it to become an excuse for not achieving your vision.*

Ten things you can do to get your boss directly involved as an environmental leader:

1. Set up a meeting for your boss with top regulators (to review plans, issues of mutual concern, etc.).
2. Arrange a tour or visit by dignitaries, especially members of Congress, Senators.
3. Win an environmental award ... get the boss's picture in the paper.
4. Bad press. A good motivator to get the boss directly involved. May be worth taking a little heat to focus boss's attention.
5. Good press ... not as painful as bad press ... may not be as effective either. But if the boss gets the credit, he/she will likely want to learn more about how they did it.
6. Make a direct appeal. Don't bring problems to the boss ... bring solutions. Know your stuff. Do your homework.
7. Use the budget process. Show the boss how to achieve "cost avoidance" by making "investments" in environmental programs.
8. Pressure from above is sometimes a good thing ... maybe you can arrange for your boss to get some pressure from his/her boss.
9. Present a comprehensive plan to the boss for approval ... then turn it into the "boss's plan." It's amazing what you can accomplish when you don't worry about who gets credit.
10. Sign up your boss to give a speech!

You learn to be a leader by being one.

Successful Partnering on Management of Formerly Used Defense Sites

The Kansas Department of Health and Environment, the Kansas City District of the U.S. Army Corps of Engineers (KC COE), and EPA Region VII improved communications and developed working relationships during an intensive effort to develop a Management Action Plan (MAP) for Formerly Used Defense Sites (FUDS). This pilot project was initiated as a result of a finding by the FUDS Improvement Work Group, a national multi-agency work group organized to address problems with the Army's FUDS program, which indicated that regulatory coordination was lacking in program implementation.

Kansas was one of four states chosen for the pilot and to date is the only state to have successfully completed the MAP process with full participation. The work began in March 2001, with very little structure or guidance regarding the product to be developed. All three parties met extensively to communicate each agency's requirements for the MAP. Through their cooperation and industry collaboration, a MAP document has been developed that will be a great reference tool and future planning tool for coordinating work at FUDS in Kansas.

The MAP is a living document, and will be updated annually as part of the ongoing efforts to improve the FUDS process. The agencies celebrated the first year of the MAP's completion on November 2, 2001 at the Region VII office.

EPA Region II Outdoor Shooting Range Initiative

Outdoor shooting ranges provide recreational facilities for millions of shooting sports enthusiasts in the United States as well as provide an area for training of law

enforcement officers. Recently, there has been a growing concern about the potential negative environmental and health effects of range operations. In particular, there is concern about potential risks associated with the historical and continued use of lead shot and bullets at outdoor ranges.

This concern is not unfounded. An estimated 9,000 non-military outdoor ranges exist in the United States, collectively shooting millions of pounds of lead annually. Many are owned by state, county, and municipal governments.

Since the mid-1980s, citizen groups have brought several lawsuits against range owners and have urged federal and state agencies to take action against owners/operators of outdoor shooting ranges. The citizen groups argued that range owners improperly managed discharged lead bullets and shot. Federal courts have supported parts of these suits, requiring range owners/operators to clean up lead-contaminated areas. Concurrent with the increased citizen suit activity, EPA, the Centers for Disease Control and Prevention, and a large number of states have identified human exposure to all forms of lead as a major health concern in the United States.

To manage lead, many owners and operators have successfully implemented Best Management Practices (BMPs) at their ranges. These range owners and operators have realized many benefits from sound lead management including:

- stewardship of the environment, natural resources and wildlife,
- improved community relations,
- improved aesthetics of the range/good business practices,
- increased profitability through recovery/recycling lead, a valuable and finite resource, and
- reduced public scrutiny.

Shooting sport organizations (e.g., National Rifle Association (NRA), the

National Shooting Sports Foundation (NSSF)) promote lead management throughout the United States. These organizations have researched different methods to effectively address potential and actual lead mobility and exposure without detracting from the enjoyment of the sport. The NRA and NSSF strongly encourage range owners/operators to develop and implement a BMP program as recommended by EPA's *Best Management Practices for Lead at Outdoor Shooting Ranges*. By implementing appropriate lead management at outdoor shooting ranges, range owners and operators may reduce the environmental and health risks associated with lead deposition, meet legal requirements, and realize quantifiable benefits.

The *Best Management Practices for Lead at Outdoor Shooting Ranges* manual provides owners/operators of outdoor rifle, pistol, trap, skeet, and sporting clay ranges with information on lead management at their ranges. This manual serves as a reference guide and presents BMPs available to shooting ranges. The practices have been demonstrated to reduce lead contamination and may be economically beneficial to the range owner/operator. Since each range is unique in both the type of shooting activity and its environmental setting, site-specific solutions are not provided in the manual. Rather, a range owner/operator may use this manual to identify and select the most appropriate BMP(s) for his facility. Other information on environmental aspects of management at outdoor shooting ranges can be found in the NSSF's *Environmental Aspects of Construction and Management of Outdoor Shooting Ranges*.

The BMP manual may be viewed or downloaded at <http://www.epa.gov/region2/waste/leadshot>. If you would like a free hard copy of the BMP manual, please e-mail Leadshot.Region2@epa.gov.

For more information, please contact George Meyer or Edward Guster at 212-637-4145.

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NEWS

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Greening the Supply Chain at Federal Facilities

A report recently presented to Congress by the General Accounting Office (GAO), investigated the compliance of federal facilities with Section 6002 of the Resource Conservation and Recovery Act (RCRA). Federal facilities are required by RCRA §6002 and Executive Order 13101 to establish programs to purchase environmentally preferable and biobased materials. Also, the Federal Acquisition Regulations, or FARs, were amended in 2000 to require agencies to demonstrate compliance within their contracts by requiring the procurement and use of recycled products designated by EPA and the consideration of environmentally preferable products.

The GAO report centered on the four largest purchasers, the Departments of Defense and Energy, the General Services Administration (GSA), and the National Aeronautics and Space Administration. These agencies account for 85 percent of the \$200 billion spent each year on products and services. These agencies reported that their procurement practices had not changed to increase the purchasing of recycled content and biobased products. Obstacles to compliance include lack of purchasing tracking by facilities, failure to inform and educate all staff of requirements, and deterioration of central purchasing due to the proliferation of government credit cards.

EPA representatives encountered all these issues while checking for compliance at federal facilities. EPA Region III conducted close to 20 inspections for compliance with RCRA §6002 and found that most of the facilities are not complying. One additional obstacle is the confusion concerning the relationship between the facilities and GSA. Although GSA provides many varieties of an item for purchase, it is up to the facility to choose the compliant item. EPA and the White House Task Force on Recycling are presently evaluating new strategies to increase compliance and the purchasing

of these recycled products.

Information on all products required for compliance, including definitions, specifications, and suppliers, can be found on EPA's Comprehensive Procurement Guidelines page at <http://www.epa.gov/cpg/>.

For more information, contact Mike Giuranna, EPA Region III, at 215-814-3298, or Diane Dolson at 215-814-3304.

National Park Service EMRs in Region VI

In 1998, EPA conducted an environmental management review (EMR) within the National Park Service (NPS). This EMR was part of a comprehensive technical assistance effort by EPA to enhance regulatory compliance within the Department of the Interior (DOI).

In August 2000, a final EMR report was published by EPA, which described the EMR process, explained the scope of the EMR, and provided EPA's findings and recommendations. This report, titled "An Environmental Management System Review of the National Park Service: Based on the Code of Environmental Management Principles" gave EPA Region VI the incentive to conduct a National Park Service Initiative as a follow up to the initial EMR conducted in 1998.

During January 2001, letters were sent to several national parks located in the states within the jurisdiction of Region VI inviting them to participate in the EMR process. Three NPS facilities responded positively and an agreement was reached for Region VI to conduct EMRs during the year. The EMR team consisted of Joyce Stubblefield (Federal Facilities Program Manager), Bob Clark, Jana Harvill, and Gary Chiles (SAIC contractor).

The first NPS EMR was conducted at the Lyndon B. Johnson National Historical Park. The second NPS EMR was conducted at the San Antonio Missions National Historical Park, located in San Antonio, Texas. The third NPS EMR was conducted at the Padre Island National Seashore.

The environment is one of the primary strengths of the NPS culture, which promotes the protection of natural resources, historical sites, and endangered species. This characteristic will serve NPS well in its efforts to develop and implement environmental management systems to enhance the NPS's environmental performance both as a whole and at specific parks.

EPA Region VI EMR Recognitions

- FAA, Oklahoma City, OK
- USPS, Houston, TX
- BIA, Albuquerque, NM
- DOE, SPR, TX and LA
- EPA Laboratory, Houston, TX
- FDA, NCTR, Jefferson, AR
- USDA, ARS, College Station and Kerrville, TX
- Bureau of Engraving and Printing, TX
- Corps of Engineers, Fort Worth and Lake Whitney, TX
- NPS, LBJ, Johnson City, TX
- FEMA, TX



EPA Region VI EMR Recognition Ceremony

Left to right, back to front: Colonel Freeman, USAF, Phil Smith, USDA-ARS, Doug Lipka, EPA Lab, Cody Partridge, FDA, Keith Eddins, FAA, Bill Bozzo, DOE-SPR, Colleen McKinney, BEP, Sam Coleman, EPA, and Joyce Stubblefield, EPA.

Region VII: Army Officer Exchange Program

In the Army's Training with Industry Program, officers develop higher level managerial techniques, interact with environmental matters that affect the military, and gain an understanding of the relationship of industry to specific functions of the Army. Once an officer is integrated back into the Army organization, he/she uses this information to improve the Army's ability to interact and conduct business with industry.

Captain Daniel Laurelli is assigned to EPA Region VII through August 2002, beginning with a rotation in the Federal Facilities Program. Captain Laurelli has been in the Army for seven years with the Chemical Corps (Nuclear, Biological, and Chemical Officer). He has served as the Chemical Officer of the 55th Medical Group (Ft. Bragg) and the Aviation Brigade of the 3rd Infantry Division (Mech) (Hunter AAF). Additionally, he served as a platoon leader

and executive officer in the 101st Chemical Company (Ft. Bragg) and commander of Headquarters and Headquarters Company Aviation Brigade, which included a six month rotation in Bosnia in support of peacekeeping operations. Captain Laurelli's special duties included Team Leader of the 1st and 2nd Patient Decontamination Support Team and Aviation Brigade Unit Movement Officer.

Captain Laurelli can be reached at laurelli.daniel@epa.gov.

Region VI Federal Facilities Compliance Status Report

The primary goal of the EPA Federal Facilities Compliance Program is to ensure that federal agencies achieve compliance rates that meet or exceed those of industrial and major municipal facilities. To help ensure this goal, FFEEO distributes quarterly Environmental Compliance Status Reports to twenty-eight federal agencies.

To further this effort, EPA Region VI is developing a report to communicate more detailed federal facility environmental compliance data within Region VI. The 2000–2001 Region VI Federal Facilities Compliance Status Report is expected to be distributed by the end of October 2001. This report is based on data received from each of the major EPA program areas. Major sections of the report include: listings of facilities in significant noncompliance, 1999 major federal facilities multi-media inspections, inspections and enforcement actions, base closure updates, and a status summary of federal facilities on the National Priorities List. A comments/concerns page is also included to provide the federal facilities an opportunity to voice any inaccuracies or discrepancies with the report. EPA Region VI is distributing these data as a means of fostering communication among EPA, states, and other federal entities in Region VI.

For more information please contact Gabe Gruta at 214-665-2174.

AUDIT POLICY

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years of experience implementing the policy. The policy was designed to encourage compliance by providing greater incentives for facilities to self-police and correct any violations discovered during voluntary facility audits.

Facilities that self-report violations discovered through an environmental audit or a compliance management system that reflects the entity's "due diligence in preventing, detecting, and correcting violations" may have the gravity-based penalty waived. The cost savings component of the penalty is not affected. If the cost savings is "insignificant" this portion of the penalty may also be waived. Facilities where the "disclosing entity does not detect the violation through systemic discovery" but which meet the other eight policy conditions will have the gravity-based component of the penalty reduced by 75%. The Audit Policy describes procedures the disclosing entity must follow.

As noted above, to be eligible for the full waiver of the gravity component of the penalty the facility must have discov-

ered the self-reported violation through an environmental audit or a compliance management system. However, EPA can still provide substantial penalty reduction for those able to meet the following requirements.

- Discovery must have been "voluntary" and not discovered because of an activity required by a regulation or permit.
- Disclosure of the violation must be made within 21 days of discovery, unless a regulation requires disclosure sooner.
- Discovery and disclosure must be made independent of EPA, state, or third party plaintiff.
- The disclosing entity must expeditiously correct the violation and remedy any harm caused by it.
- Steps must be taken to prevent recurrence of the violation. The same or similar violations must not have occurred within the past three years.
- The facility must fully cooperate with EPA by providing required information.

Some violations, such as those that present an imminent and substantial endangerment to public health or the environment or result in serious harm, are not eligible. EPA can use the Audit Policy to provide flexibility in working with regulated entities to reach important environmental and public health goals.

While encouraging voluntary compliance and offering incentives to self-report, the compliance monitoring and enforcement program will remain an important option. The expeditious discovery and correction of violations has always been in the interest of EPA and regulated federal facilities. The Audit Policy provides strong incentives for EPA and federal facilities to work closely in correcting violations and improving management systems to help prevent future problems.

For more information, visit [http://es/epa.gov/oeca/ore/apolguid/html](http://es.epa.gov/oeca/ore/apolguid/html), see *Federal Register* 65, 19618 (April 11, 2000), or contact David Levenstein at 202-564-2591.



Conferences

Third Annual Alaska Forum on the Environment Held

The third annual Alaska Forum on the Environment was held in Anchorage on February 5-8, 2001. Over 1,000 people from all around Alaska and the lower 48 states participated. The Forum provided over 100 educational breakout sessions and meetings.

The Alaska Forum on the Environment greatly depends on the generosity of its sponsors. The 2001 Forum was a success thanks to several platinum level sponsors, including the Environmental Protection Agency, Federal Aviation Administration, Alaska Inter-tribal Council, and nine other government and private organizations.

Speaker Highlights

A wide variety of topics were covered during the forum, including subsistence issues, public health and epidemiology, environmental justice, fish and wildlife management issues, hazardous waste management, and many more. Keynote speakers for the event included Robert F. Kennedy, Jr., Jean-Michel Cousteau, Robert Pojasek, John Nance, and Andrea Carmen.

Robert F. Kennedy, Jr. spoke passionately of the value of environmental protection as a critical element of assuring true long-term community development. "We have an obligation to the next generation. Human beings have other appetites besides money," he said during his speech. "If we don't feed them. We won't grow. Everyone has to wake up and say, 'Is today going to be about community, or is it going to be about me?'"

Kennedy, an attorney for Hudson Riverkeeper and the Natural Resources Defense Council, spoke about the environment and the economy. He said restrictions to protect the environment are an investment in the future while environmental pollution is deficit spending. "It makes a few people rich while making

everyone else poor," he said.

Jean-Michel Cousteau, son of the late Jacques Cousteau, emphasized the interconnectedness of all things as well as his love and concern for the water planet. Robert Pojasek discussed the methods for communities to reduce waste and setting a goal of zero waste. John Nance related his organizational and team building experiences to how environmental success can be achieved by working together.

Andrea Carmen, Executive Director of the International Indian Treaty Council, spoke of the contributions indigenous people have made to the national and international policies addressing human responsibilities and environmental protection.

Native Elders Walter Austin and Howard Luke also presented at the forum. Austin outlined his concerns for timber harvesting in the Tongass, development of the Arctic National Wildlife Refuge, and the declining fish returns. Luke spoke of his concerns and hopes that we continue to work together as one people, both young and old.

Alaska Forum 2002

The fourth annual Alaska Forum on the Environment will be held February 4-8, 2002. The Planning Board is interested in hearing ideas to help improve this major event. Please send your suggestions by e-mail to info@akforum.com. The forum agenda, registration, and hotel information will be available online at www.akforum.com.

Pollution Prevention Bonanza @ Region VI

Region VI P2 Conference

EPA Region VI's Regional Pollution Prevention Conference was held May 24-25, 2001. The theme was "Don't Permit Pollution: Prevent It! Tools and Techniques for

Compliance Assistance Through Pollution Prevention." The conference was sponsored by EPA Region VI and co-sponsored by the National Pollution Prevention Roundtable, University of Texas at Arlington, Arkansas Department of Environmental Quality, Louisiana Department of Environmental Quality, New Mexico Environmental Department, Oklahoma Department of Environmental Quality, and Texas Natural Resource Conservation Commission.

This southwest regional conference focused on how pollution prevention (or reduction of waste at the source) can be used to help companies and facilities meet environmental standards and regulations and often exceed those requirements. The conference breakout sessions were interactive and participants were encouraged to share ideas, needs, and concerns with panelists and fellow participants. Breakout session presenters were from EPA Headquarters, EPA Region VI, federal, state, and local agencies, and industry. The event gave facilities access to pollution prevention professionals and resources to assist them in achieving and exceeding environmental compliance standards, and promoted pollution prevention as the best environmental and corporate strategy. The conference ended on a high note with music, fun, and entertainment, including twists on "Survivor," "Jeopardy," and the "Weakest Link."

MVP P2 Award Winners:

Equistar Chemicals, L.P. Plant Reliability Improvement Program
City of Fort Worth Pretreatment Program:
Pretreatment P2
Dyess Air Force Base: Clean Dyess 2000

P2 Roundtable Individual Recognitions:

Eli Martinez, U.S. EPA Region VI
Jeff Voorhis, Texas, TNRCC

National P2RX Meeting

EPA Region VI hosted the National Pollution Prevention Information Resource Exchange (P2RX) Meeting on May 21-23, 2001. The P2RX Regional Centers provide access to pollution prevention information, research, and expertise. The regional centers offer specialized expertise and are independent from regulatory agencies. Information on the Regional Centers can be found at www.p2rx.org.

Texas P3 Spring Meeting

EPA Region VI hosted the Texas Pollution Prevention Partnership (P3) meeting on May 23, 2001. The partnership meeting was held in Dallas to take advantage of the EPA Pollution Prevention Conference being held during the same week.

The Texas Pollution Prevention Partnership members are: Department of Defense, Texas Natural Resource Conservation Commission, Texas National Guard, NASA – Johnson Space Center, the U.S. Coast Guard, and DOE Strategic Petroleum Reserve. The highlight of this meeting was the participation of Region VI states and the attendance of special guests, Chris Cambell, New Mexico State University, Bill Hayen, USPS Southwest Area, Phil Smith, USDA Agricultural Research Service, and Jim Edward and Karin Leff, EPA Headquarters.

National P2 Crossfeed Forum

On August 23, 2001, Dr. Thomas Rennie, U.S. Air Force, Regional Environmental Office, Dallas, Texas, hosted the National Pollution Prevention (P2) Crossfeed Forum in San Antonio, Texas. Attendees at the meeting were representatives from Department of Defense P2 partnerships nationwide, EPA Region VI, and a National Park Service visitor. These meetings are timed with the Annual Joint Service P2 Conference and Exhibition and the National P2 Roundtable meeting.

Texas P3 Summer Meeting

The Texas Pollution Prevention Partnership met on August 24, 2001. The Texas

TXP3 GBOF Initiative

The Green Base of the Future (GBOF) is an initiative under the Texas Pollution Prevention Partnership (TXP3). When completed, the GBOF will be a multi-service guide that enhances mission readiness and achieves significant cost savings by fully integrating best operating practices and operational requirements. The GBOF attempts to measure an installation's "greenness" quotient.

The TXP3 has approached the military service environmental centers to help cultivate service headquarters-level interest in the development of this tool. TXP3 expects to export the final GBOF product to service leadership for use throughout the nation.

The fully developed GBOF product will include several internet-accessible components, including self-assessment checklists known as the Green Assessment Tool (GAT). Future additions will include supporting resources and success stories.

The GAT has undergone preliminary testing and was modified accordingly. TXP3 is currently determining which partners can offer an installation and funds to test the revised tool. Currently, Ft. Sam Houston is testing the GAT within their Environmental Resource Management Office. If the trial results are favorable, they may be willing to run an installation-wide trial.

TXP3 members see the potential for GBOF to be linked with environmental management system (EMS) initiatives. The GAT will show how well environmental and pollution prevention issues are integrated into base operations, revealing where an EMS needs strengthening. GBOF does not duplicate internal environmental compliance audit protocols, which assess environmental compliance. A well developed EMS and GBOF will point the way beyond compliance, through a fully implemented pollution prevention program that reduces costs and liabilities.

Discussions early in GBOF development showed that TNRCC may be willing to reduce an installation's environmental compliance requirements if they could demonstrate a commitment to pollution prevention. More recently, S.B. 2997 has directed the TNRCC to implement a regulation by December 2001 that would provide incentives to facilities that implement an EMS.

For more information, visit www.3di.com/gbof or contact Barton Ives, USAEC Central Regional Environmental Office, at bart.o.ives@usace.army.mil.

P3 meeting was hosted by Fort Sam Houston with representatives from EPA, the Texas Natural Resource Conservation Commission, and other federal agencies. The Partnership is planning a retreat in November 2001.

P2 at Federal Facility Hospitals

Region IX Federal Facilities and Pollution Prevention (P2) staff hosted a workshop on September 11th, focused on pollution prevention for federal facility hospitals. With the day's tragic events, attendance was extremely limited. A few speakers and attendees, whose return flights were canceled, decided to stay and meet for a half-day session.

Tom Murray from EPA Headquarters, Office of Pollution Prevention and Toxic

Substances provided updates on Hospitals for a Healthy Environment efforts targeting persistent, bio-accumulative, and toxic chemicals. Ann Melamed of the American Nurses Association discussed environmentally preferable purchasing. Claire Yee of Tripler Army Medical Center in Hawaii highlighted their facility's efforts to implement P2, especially targeting mercury, food waste, solid waste, and xylene. Stephanie Davis of Waste Reduction Remedies and Sutter Antioch Hospital provided information on opportunities to reduce medical or "red bag" waste.

Larry Woods, Region IX's Federal Facilities Coordinator, presented information on environmental management reviews and Eileen Sheehan, P2 Team, highlighted P2 opportunities and distributed information on environmental requirements for federal healthcare facilities.

Hazardous Waste Docket

Federal Agency Hazardous Waste Compliance Docket Updated: The Region VI Approach

In accordance with Section 120 (c) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), EPA is required to take steps to ensure that it receives information necessary to assess the threat to human health and the environment. Furthermore, Executive Order 12580 delegates the responsibility for the preparation of this information to federal agencies. The Federal Agency Hazardous Waste Compliance Docket contains information about federal facilities engaged in hazardous waste activity or facilities from which hazardous substances may have been or may be released.

EPA Regional Docket Coordinators work with EPA Headquarters and federal facilities in their regions on Docket reporting and follow-up. For example, EPA Region VI has informed federal facilities in their region about the Federal Agency Hazardous Waste Compliance Docket and has reiterated the importance of federal facilities reporting to the Docket. The preambles and letters were mailed to thirty facilities on the Docket throughout the Region. Region VI asked the facilities to provide currently available information EPA can use to assess the disposition of the facilities under CERCLA.

The Docket contains information submitted to EPA by federal facilities under Sections 3005, 3010, and 3016 of the Resource Conservation and Recovery Act (RCRA) and Section 103 of CERCLA.

- Section 3005 of RCRA establishes a permitting system for hazardous waste Treatment, Storage, and Disposal (TSD) facilities.
- RCRA Section 3010 requires waste generators, transporters, and TSD

facilities to report hazardous waste activities.

- RCRA Section 3016 requires federal facilities to submit to EPA biennially an inventory of owned or operated hazardous waste sites.
- Section 103(a) of CERCLA requires that the National Response Center be notified of a release.
- Section 103(c) of CERCLA requires reporting to EPA the existence of known or suspected releases of hazardous substances at facilities.

If a federal facility submits one of these documents or submits this type of information to EPA, the facility will be added to the Docket.

All facilities listed on the Docket will undergo site evaluation activities, such as preparing a Preliminary Assessment (PA) report and, when appropriate, a Site Inspection report. EPA has determined that a PA should provide the required information to assess the disposition of the facility in reference to CERCLA.

The Docket will be available for public inspection at reasonable times. Every six months, the EPA Administrator will publish in the *Federal Register* a list of the federal facilities which have been added to, deleted from, or corrected in the Docket. This publication will also indicate where in the appropriate regional EPA office additional information may be obtained with respect to any facility on the Docket. The fourteenth update of the Federal Agency Hazardous Waste Compliance Docket was released in the *Federal Register* on October 2, 2001, and details additions, deletions, and corrections to the previous Docket update. The current number of facilities on the Docket is 2,214.

For more information, contact the National Docket Coordinator at 202-564-2468. In Region VI, contact Philip Ofosu at 214-665-178 or visit the FAHWCD website at www.access.gpo.gov/su_docs/fedreg/a001229c.html.

Region X Moves Docket Sites Forward

The Office of Environmental Cleanup's (ECL) Federal Facility Site Assessment Program began an initiative to ensure adequate assessment and cleanup of federal facilities listed on the Federal Agency Hazardous Waste Compliance Docket. Currently, there are numerous sites on the Docket for which federal agencies have failed to submit required Preliminary Assessment (PA) or Site Inspection (SI) reports for Hazard Ranking System scoring. These sites, some of which may be high risk or NPL-caliber, have not been evaluated by EPA, nor addressed by the responsible federal agency. In some cases, sites have remained on the Docket with an unresolved status and no EPA oversight for years. Agencies have not submitted reports due to limited funding, competing priorities, or lack of interest.

Region X is conducting the "Moving Docket Sites Forward" initiative by working directly with federal agencies in all Region X states to gain firm commitments for PA and SI report submission. Staff will emphasize the importance of report submission and work to establish mutual agreements. With reports in hand, ECL will evaluate whether each site requires further site assessment, cleanup, or other actions.

The end result of this initiative is that Region X will resolve the status of all federal facility Docket sites and make progress in moving high-risk sites forward. When Congress, the public, or other stakeholders use the Docket to track progress at individual sites or the entire universe of federal facilities, they will access accurate information that shows Region X sites are being addressed.

For more information, contact Deborah Leblang at 206-553-0115.

New Energy Programs in Region VI

Energy efficiency, energy conservation, and renewable energy are important to federal facilities not only because they must all attempt to comply with Executive Orders. The waste creates air pollution as well as water pollution. EPA Region VI is pleased to announce several new Department of Energy and EPA programs. These are:

- Energy Star for Industry,
- Combined Heat and Power, which addresses co-generation and tri-generation at both large and small scale systems, and
- Green Power Partnerships, which promotes renewable energy resources by creating partnerships between federal facilities, state and local government, public institutions, private industry, public utilities, and private residences.

Becoming a steward of the environment is easy even when resources are limited. As deregulation begins and renewable energy becomes available, new opportunities open up for federal facilities. Region VI supports these efforts through a wide variety of outreach efforts, including assistance in obtaining the Energy Star Plaque, the highest award for excellence in energy performance. EPA Region VI has already assisted the General Services Administration Region VI to become number one in the United States in Energy Star Plaques on federal facilities in CY 2000 and will continue its push for energy excellence.

A recent highlight of Region VI's efforts include working with the Region VI states, Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, to develop renewable energy support groups that create new partnerships, provide technical assistance, and develop important renewable energy

resources and guidance in creating a portfolio standard. Region VI continues to work with Energy Star Buildings and Green Lights, Energy Star Homes, Energy Star for Public Institutions, and Energy Star Purchasing to name a few programs. For more information on how to be included in these efforts, contact the regional support number at 1-800-887-6063 and visit the website www.energystar.gov.

For more information, contact Patrick Kelly, EPA Region VI, at 214-665-7316.

ENERGY STAR, Executive Order 13123, and You: Tips for Federal Managers



ENERGY STAR figures prominently in Executive Order 13123, Greening the Government through Efficient Energy Management. ENERGY STAR can help federal agencies meet the requirements of the Executive Order, while saving money.

EPA and the Department of Energy (DOE) have established ENERGY STAR for office buildings, homes, K-12 schools, and over 30 categories of products. The ENERGY STAR label will be available for other building types and products in the coming year.

Become an ENERGY STAR

Executive Order Section 403 (c) requires agencies to:

- Strive to meet ENERGY STAR criteria where cost effective for energy performance and indoor environmental quality by the end of 2002.
- Use the ENERGY STAR performance rating system for buildings in general facility audits.

How To Comply: Use EPA's online rating system, available at www.energystar.gov, to

evaluate your buildings' energy performance using data that you input on each building's physical attributes, operating characteristics, and monthly energy consumption. The rating system allows you to benchmark your buildings on a 1 to 100 scale. The results will help you set energy performance targets and plan building upgrades. Buildings that score a 75 or higher and maintain an indoor air environment that meets or exceeds industry standards are eligible to receive the ENERGY STAR label, the nationally recognized symbol of superior energy performance.

Specific Steps You Can Take

- Benchmark all office buildings and schools over 5,000 square feet.
- Apply for ENERGY STAR labels for all buildings that score 75 or better.
- For buildings that score below 75, develop a plan to upgrade these facilities and improve their performance rating.
- After upgrades, re-benchmark each building to measure yearly progress.

Reminder: The Office of Management and Budget (OMB) requires that agencies report in 2001 the number and percentage of buildings that are expected to meet ENERGY STAR levels and receive the ENERGY STAR label in FY 2002.

Look for ENERGY STAR When Leasing Buildings

Executive Order Section 403 (e) directs agencies to:

- Include a preference for buildings with the ENERGY STAR label in selection criteria for acquiring leased buildings.
- Encourage lessors to apply for the ENERGY STAR label.
- Require new building offers to include projected energy use data.
- Stipulate the purchase of facility management systems or energy manage-

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TNRCC's New Action Levels for Perchlorate

Texas Natural Resource Conservation Commission (TNRCC) recently changed their interim action levels for ammonium perchlorate. Ammonium perchlorate is manufactured almost exclusively as the oxidizer component and primary ingredient in solid propellant for rockets, missiles, and fireworks. Nationally, perchlorate detections have been confirmed in 17 states. Only three other states, California, New York, and Arizona, have formal action levels. Last month TNRCC set new interim action water levels for perchlorate at 4 parts per billion (ppb). The new ground water cleanup number replaces the former Texas standard of 22 ppb.

Under the Texas Risk Reduction Program (TRRP), which is the new 1998 cleanup rule, the new residential groundwater cleanup standard is 4 ppb and the commercial/industrial groundwater cleanup standard is 7 ppb.

Under TNRCC's old cleanup rule, the Risk Reduction Rule (RRR), the residential groundwater cleanup standard is 4 ppb and the commercial/industrial groundwater cleanup standard is 10 ppb. Sites already under the RRR had the option of staying under that rule or switching to the TRRP.

Lonehorn Army Ammunition Plant has identified perchlorate contamination in soil, groundwater, and surface water and is under the RRR. Naval Weapons Industrial Reserve Plant, McGregor has identified perchlorate contamination in on-site groundwater and surface soils and is under the TRRP.

Region VI Participates in Development of New Test Method

Have you ever seen a nasty thick black cloud of pollution billowing from a smoke-

stack? Of course you have. But, unless you're familiar with the air enforcement program, you may not know that there is a way to determine how opaque that plume is. There is a test method that EPA developed many years ago to measure opacity. Known as Method 9, and found in Appendix A of 40 CFR Part 60, it is used to measure how much opacity is associated with a plume of smoke.

What Is Opacity?

Opacity is a measurement of the amount of light that is blocked by a medium, such as smoke or a tinted window. Opacity is usually stated as a percentage. An opacity of 0% means that all light passes through, and an opacity of 100% means that no light passes through. Opacity is important because it gives an indication of the concentration of pollutants leaving a smokestack. The more particles that are emitted from a stack, the more light will be blocked, resulting in a higher opacity percentage.

How Is Opacity Measured?

At present, there are several ways to measure opacity. The simplest method is visual observation. Anyone can be trained and certified to become a Visible Emission Observer. Federal, state, and local inspectors, as well as government and industry staff, have been trained to conduct opacity readings to determine if a source is meeting its federal and/or state opacity requirements. These people have been trained to estimate the percentage of opacity for black and white smoke coming from smokestacks.

EPA adopted standardized training and certification procedures in Method 9. "Smoke School" involves a one-day lecture on the principles and history of opacity and certification using these procedures. For certification, black and white smoke is generated at different opacities for a total of 50 separate visible emission readings. Opacities must be within a certain per-

centage of accuracy, for both types of smoke, for certification to be obtained. Certification expires after six months.

Is There an Easier Way?

The Environmental Security Technology Certification Program (ESTCP) is a Department of Defense (DoD) program that promotes innovative, cost-effective environmental technologies through demonstration and validation at DoD sites. The ESTCP has approved and begun work on a project to test a digital recording and analysis method for opacity determination. This digital opacity method would be used as an alternate method to Method 9.

EPA's Emissions Measurement Center requested the formation of a scientific advisory group to review and provide comments during the development and testing of this new method. The members are from EPA, the Air Force, and outside contractors and are considered to be experts in either digital imaging and/or Method 9. This group will review test plans to ensure that key variables are covered in the field work, define project success, and agree what conditions must be met to achieve it by the end of the project.

The kickoff meeting for this group was held on Monday, April 2, 2001, at Hill AFB, Utah. The meeting included an overall project briefing, a review of the advisory group members and purposes, and a detailed briefing and demonstration of the proposed new technology. Representatives from RTP, NEIC, and Region VI attended and participated in this meeting. Upcoming meetings will cover the software used by the digital camera as well as the development and implementation of field tests of the camera. Field tests are currently scheduled for Salt Lake City, Utah, in early October 2001, and Augusta, Georgia, in late October 2001.

For more information, contact Raymond Magyar, EPA Region VI, at 214-665-7288.



Economic Benefit and Size of Business Issues in CAA Enforcement

On October 4, 2001, oral argument was presented before Chief Administrative Law Judge (ALJ) Susan Biro in the Clean Air Act (CAA) administrative enforcement action against the United States Army, Alaska Garrison, Ft. Wainwright. The EPA Complaint alleged various CAA violations at Ft. Wainwright's Central Heating and Power Plant. In January 2001, EPA filed a Motion for Accelerated Decision on Liability for the nine counts contained in the Complaint. The Army filed its Opposition to the Motion in February 2001, and EPA filed its Reply in March 2001.

On July 3, 2001, the Chief ALJ issued an Order on Complainant's Motion for Accelerated Decision and on other motions. The Chief ALJ's Order found no issue of material fact with respect to liabil-

ity for eight of the nine counts contained in the Complaint. Thus, while issues remain regarding the appropriate penalty amount in the case, at hearing only one count will be litigated in terms of liability. The Order also dismissed six of the Army's Affirmative Defenses as they pertain to liability, but left open the possibility that some of the Army's Affirmative Defenses may bear on the amount of the appropriate penalty.

On October 4, 2001, oral argument was presented on the main issue in this case, namely whether EPA has the authority to consider CAA Section 113(e) penalty factors of "size of business" and "economic benefit of noncompliance" in determining an appropriate penalty for a federal facility violation. EPA's position is that CAA provides the Administrator with the authority to consider these statutorily-mandated penalty factors, while the Army's position is that the Administrator has no such authority. Much of the Army's presentation focused on the underlying assumptions of the BEN Model, and also emphasized what it

considers the unique attributes of federal agencies that make application of the "size of business" and "economic benefit of noncompliance" penalty factors inappropriate. EPA reiterated that the legal question currently before the Chief ALJ is the authority to consider the statutorily-mandated penalty factors in determining an appropriate penalty, and that the BEN Model is not at issue in the case. EPA acknowledged that federal agencies have unique characteristics, but argued that these characteristics could be considered in determining the appropriate amount of any penalty and had no bearing on the underlying legal authority issue before the court at oral argument. The Chief ALJ posed difficult questions to counsel for both EPA and the Army. EPA Region X and FFEO are jointly managing this case, and both represented EPA at oral argument. A decision from the Chief ALJ is expected in the next few months.

For more information, contact Jeff Kopf, Region X, at 206-553-1477, or Andrew Cherry, FFEO, at 202-564-2589.

ENERGY STAR

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ment services to comply with the ENERGY STAR requirements of Section 403 through GSA schedules 63 I and 871 II at [www.fss.gsa.gov/viron/h2o-energy-prod.cfm#Office](http://www.fss.gsa.gov/environ/h2o-energy-prod.cfm#Office).

ENERGY STAR Products

The Executive Order states that use of ENERGY STAR labeled products will be part of the scoring criteria in the OMB energy scorecard [Sec. 306(1)]. The Order directs federal agencies to:

- Purchase ENERGY STAR labeled products, when found life-cycle cost effective. For products not covered by ENERGY STAR, purchase products that are in the upper 25th percent of energy efficiency as designated by the Federal Energy Management Pro-

gram (FEMP). [Sec. 403 (b.1)]

- Incorporate ENERGY STAR energy efficiency levels into guide and project specifications, as well as into product specification language developed for Basic Ordering Agreements, Blanket Purchasing Agreements, Government Wide Acquisition Contracts, and all other purchasing procedures. [Sec. 403 (b.3)]
- Purchase ENERGY STAR and FEMP designated products from your federal supply sources. The Executive Order states that GSA and the Defense Logistics Agency (DLA) shall create clear catalogue listings that designate energy-efficient products in both print and electronic formats. [Sec. 403 (b)(2)]

GSA and DLA are federal supply sources of ENERGY STAR and FEMP designated

products. Energy-efficient products can be purchased through GSA's online procurement system, Advantage!

The Energy Solutions Services and Products Guide from GSA/FSS is available at www.fss.gsa.gov/environ.

Other Energy-Efficient Products

ENERGY STAR and FEMP have established efficiency levels for other products not sold through federal supply sources.

Check out Buying Energy Efficient Products, DOE's federal purchasing buying guide issued by FEMP. This binder has a series of product efficiency recommendations to identify the upper 25th percent in energy efficiency. To obtain a free copy, contact 1-800-363-3732 or go to www.eren.doe.gov/femp/procurement/.

For more information, contact 1-888-STAR-YES or visit www.energystar.gov.

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LIST OF ACRONYMS

ALJ	Administrative Law Judge	GBOF	Green Base of the Future
BIA	Bureau of Indian Affairs	GSA	General Services Administration
BMP	Best Management Practices	KC COE	Kansas City Corps of Engineers
CAA	Clean Air Act	LMA	Land Management Agency
CEMP	Code of Environmental Management Principles	MAP	Management Action Plan
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act	NPS	National Park Service
DoD	Department of Defense	NSSF	National Shooting Sports Foundation
DOE	U.S. Department of Energy	OMB	Office of Management and Budget
DOI	Department of Interior	P3	Pollution Prevention Partnership
EMR	Environmental Management Review	PA	Preliminary Assessment
ESPCs	Energy Savings Performance Contracts	RCRA	Resource Conservation and Recovery Act
ESTCP	Environmental Security Technology Certification Program	RRR	Risk Reduction Rule
FDA	Food and Drug Administration	SDWA	Safe Drinking Water Act
FEMA	Federal Emergency Management Agency	SI	Site Inspection
FUDS	Formerly Used Defense Sites	TNRCC	Texas Natural Resource Conservation Commission
GAT	Green Assessment Tool	TSD	Treatment, Storage, and Disposal
		TRPP	Texas Risk Reduction Plan
		USPS	U.S. Postal Service
		VA	Department of Veterans Affairs

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